

PLANNING AND ZONING BOARD
JULY 12, 2000

1. ROLL CALL

The meeting was called to order at 7:40 p.m. Board members present were Chair George Greb, Vice-Chair Jay Stahl, Michael Davenport, and Edna Moore. Also present were attorney A. Thomas Connick, Development Services Director Mark Kutney, Planning and Zoning Manager Jeff Katims, Planner II Jason Eppy, and Board Secretary Alina Medina recording the meeting. Lawrence Davis was not present.

Mr. Eppy stated that the petitioner had requested that item 2.1 be removed from the agenda.

Mr. Eppy stated that staff was requesting that item 3.1 be tabled to July 26, 2000.

Vice-Chair Stahl made a motion, seconded by Mr. Davenport, to table this item to July 26, 2000. In a voice vote, with Mr. Davis being absent, all voted in favor. **(Motion carried 4-0)**

Mr. Eppy stated that the petitioner had requested that item 3.2 be removed from the agenda.

2. SUBDIVISION PLATS

2.1 P 8-2-99, Griffin 78 Plat, 7790 Griffin Road (B-1) (tabled from June 28, 2000)

This item was removed from the agenda earlier in the meeting.

2.2 P 5-1-00, Davie Builders Parcel, east side of Pine Island Road, between Griffin Road and Stirling Road (A-1 and CF)

Jan Storm, representing the petitioner, was present. Mr. Eppy read the planning report (staff's recommendation: approval subject to Engineering comments being reflected on the plat prior to Town Council consideration).

Mr. Davenport made a motion, seconded by Ms. Moore, to recommend approval subject to staff's recommendation. In a roll call vote, with Mr. Davis being absent, all voted in favor. **(Motion carried 4-0)**

2.3 P 5-2-00, University Square, 7085 Nova Drive, residence, and 2200 SW 71 Terrace, industrial site (R-4A and M-1)

Rod Frier and George Bouza, representing the petitioner, were present. Mr. Eppy read the planning report (staff's recommendation: approval subject to the planning report).

Mr. Davenport asked what corner Parcel B was located. Mr. Bouza replied that it was located on the northeast corner of the property.

Vice-Chair Stahl made a motion, seconded by Mr. Davenport, to recommend approval subject to staff's recommendation. In a roll call vote, with Mr. Davis being absent, all voted in favor. **(Motion carried 4-0)**

3. PUBLIC HEARING

Vacation/Abandonment

3.1 VA 6-1-00, Town of Davie, a portion of NW 33 Street, between Davie Road Extension and NW 75 Avenue, extending from Davie Road Extension approximately 310 feet west

This item was tabled earlier in the meeting.

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Rezoning

3.2 ZB 6-1-00, Freedman/84 Lumber Inc./Pierce Hardy LP, 3700 South State Road 7 (B-3)

This item was withdrawn earlier in the meeting.

Variances

3.3 V 5-4-00, Lombardo/Ross-Matz Investments, 8020 SW 30 Street (B-2) (tabled from June 28, 2000)

Enrique de la Pesuela, Michael Lombardi, Barney Lombardi, and Rick Rodriguez, representing the petitioner, were present.

Mr. de la Pesuela presented a site plan and elevation renderings and stated that the subject site was part of the Rolling Hills Master Plan, of which all but two sites had already been approved and built.

Mr. de la Pesuela stated that staff was in favor of the setback and landscaping variances, but was against the parking variance. He stated that the parking calculations had been figured strictly by the leasable area, as opposed to including storage rooms, stair wells, elevator shafts, etc. as required by Code. Chair Greb asked if there was parking in the rear. Mr. de la Pesuela replied that there was covered parking under the building.

Mr. Eppy read the planning report (staff's recommendation: approval of variance requests 1 and 2 subject to staff recommendation; denial of variance request 3).

Barney Lombardi stated that if he was to construct a 5,000 square foot one-story building instead of the proposed building, it would have the same amount of parking being requested because there would be no common areas such as stairwells and elevator shafts.

Vice-Chair Stahl asked for an update of staff's changes to the parking Code. Mr. Katims stated that a draft had been made; however, due to many other projects, it would probably be another two months before it was ready for review. He added that it would likely still be based on gross area, but would take into account usable and non-usable areas. Mr. Katims added that even with the proposed revision, this project would still be short of the requirement.

Ms. Moore felt that the Board was being asked to grant a special privilege that normally would not be granted to anyone else. She stated that it boiled down to making the building larger to make it more profitable. Mr. de la Pesuela stated that a one-story building could not be seen from University Drive and would not create a visual buffer between the golf course and Walgreens.

Chair Greb recalled Wendys and Walgreens being given variances to reduce the number of parking spaces, in addition to other variances for the entire site.

Chair Greb asked if anyone wished to speak for or against the variances.

David Walmax, 2904 SW 79 Terrace, stated that he was upset that a building of this size could be built on such a small parcel of land in such close proximity to residences. He stated that privacy was a big concern, as someone on the second or third floor could look down into his pool and patio area; traffic was already congested on SW 30 Street and there were already sight concerns; the entrance to the area was very difficult to navigate; and landscaping was already inadequate. Mr. Walmax hoped that if the variances were approved, they would be approved with the stipulation that the structure could only be one-story. He felt that an improved landscaped entrance would be a better use for the property.

Blanche Underwood, 2906 SW 79 Terrace, agreed with Mr. Walmax and expressed

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concern that the people in the building could see everything she was doing in her backyard. She stated that traffic had increased over the past two years, so much that speed bumps had to be installed.

Chair Greb closed the public hearing.

Mr. de la Pesuela agreed that privacy would be a concern for the residents and stated that he would be willing to block the windows on the north wall, using decoration instead. He stated that the building height would not exceed the existing trees, which would not be removed but would be added to. Mr. De la Pesuela added that the building was set back and would not cause further sight obstruction. Mr. Rodriguez explained that the required set back was 25 feet, but the building was set back approximately 50 feet. He added that the height of this building was allowed in this zoning district.

Mr. Davenport felt that this was too large of a building for the parcel size, therefore, the parking problem was self-created.

Vice-Chair Stahl stated that the west side of the building should also have the windows blocked as it would have a more direct view than the north side. He felt that the property was being overdeveloped. Vice-Chair Stahl stated that although he agreed that space like elevator shafts should not be counted toward the parking requirement square footage, it was the Code and must be adhered to.

Vice-Chair Stahl made a motion, seconded by Mr. Davenport, to vote on the three variance requests separately. In a voice vote, with Mr. Davis being absent, all voted in favor. **(Motion carried 4-0)**

Vice-Chair Stahl made a motion, seconded by Mr. Davenport, to recommend approval of the variance relating to the side setback subject to staff's recommendation. In a roll call vote, with Mr. Davis being absent, all voted in favor. **(Motion carried 4-0)**

Mr. Davenport made a motion, seconded by Vice-Chair Stahl, to recommend approval of the variance relating to the landscape buffer subject to staff's recommendation. In a roll call vote, with Mr. Davis being absent, all voted in favor. **(Motion carried 4-0)**

Vice-Chair Stahl made a motion, seconded by Ms. Moore, to recommend denial of the variance relating to parking. Mr. Davenport asked if the petitioner would be willing to consider reducing the size of the building. Lengthy discussion relating to the procedure of withdrawing and resubmitting variance requests followed. It was decided to table all three variance requests.

Ms. Moore made a motion, seconded by Vice-Chair Stahl, to reconsider the previous motions. In a voice vote, with Mr. Davis being absent, all voted in favor. **(Motion carried 4-0)**

Mr. Davenport made a motion, seconded by Ms. Moore, to table this item to July 26, 2000. In a voice vote, with Mr. Davis being absent, all voted in favor. **(Motion carried 4-0)**

- 3.4 V 6-1-00, Mellgren/AP Adler Oakes, Ltd/AP Adler Oakes, LLC/AP-Adler Investment Fund, LP/Adler Newco GP, Inc., 4350 - 4380 Oakes Road (M-1, County)

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Michele Mellgren, representing the petitioner, was present. Mr. Eppy read the planning report (staff's recommendation: approval of variance requests 1 and 2 subject to staff recommendation and denial of variance request 3).

Ms. Mellgren presented a rendering of the site and explained that the signage was to capture visibility from 441. She added that the signage would also be more decorative than a pole sign and would draw attention to the architectural detail of the building instead of the foundation of the sign. Chair Greb asked why it could not be one two-sided sign instead of two one-sided signs. Ms. Mellgren replied that the angle either sign must be placed at would not be visible from both directions. She added that the petitioner was willing to agree to eliminate the right to wall signage as recommended by staff.

Vice-Chair Stahl asked if the signage would be in compliance with the South Florida Building Code. Ms. Mellgren replied affirmatively.

Chair Greb asked if anyone wished to speak for or against the variance. As no one wished to speak, Chair Greb closed the public hearing.

Mr. Davenport agreed that this was a special circumstance due to the curve in Oakes Road limiting visibility for traffic coming from the south.

Mr. Davenport made a motion, seconded by Vice-Chair Stahl, to recommend approval subject to staff's recommendation. In a roll call vote, with Mr. Davis being absent, all voted in favor. **(Motion carried 4-0)**

4. OLD BUSINESS

There was no old business.

5. NEW BUSINESS

- 5.1 Discussion: ZB (TXT) 06-01-00, Proposed Land Development Code amendment to create a new one-dwelling unit per acre, zoning single family district, providing for flexible lot sizes and increased public amenities, such as open space and pedestrian buffers

Mr. Kutney explained that this text amendment was for GL Homes to create a R-1E District with a number of planned elements. He added that on April 5th, the Town Council directed the petitioner to proceed with due diligence.

Vice-Chair Stahl stated that the planning report for this item was received after the packet was delivered and he would like time to review the report more carefully before considering the petition. He suggested that this item be tabled to the next meeting. Mr. Kutney suggested that the petition be considered at this time, after which time a decision could be made whether it should be tabled. Chair Greb asked why the planning report was not provided with the packet. Mr. Katims explained that the packets went out Friday, but the report was not finished at that time. He added that the planner worked during her vacation to try to finish in time, but due to computer problems had not been able to. The Board agreed with Vice-Chair Stahl that it should be tabled.

Debbie Orshefsky, representing the petitioner, was present. She stated that the Board was not being called on to take a vote on any set of regulations, but rather to provide comments. While Ms. Orshefsky appreciated the Board's responsibility, she felt that there was sufficient time to have a dialog at this meeting then move forward to Council. She added that further discussion could be held at the Board's next meeting as it would be held before Council considered an ordinance. Mr. Davenport stated that this reminded him of

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when Imagination Farms West was considered without the traffic study and when the traffic study came out, some Board members regretted their decision. Ms. Orshefsky stated that although a great deal of legwork had been done to prepare this for consideration by Council on July 19th, this Board would be able to have discussion on August 9th, which was still before the first reading of the ordinance. She indicated that the petitioner would not object to the tabling if the Board was still uncomfortable after a brief presentation.

Ms. Orshefsky presented the proposed regulations and suggested that the Board members drive by Long Lake Estates, a development by GL Homes which would be recreated on this site under a regulatory framework.

Mr. Davenport made a motion, seconded by Ms. Moore, to table this item to July 26, 2000. In a roll call vote, with Mr. Davis being absent, all voted in favor. **(Motion carried 4-0)**

5.2 Discussion: ZB (TXT) 06-02-00, Proposed Land Development amendment to prohibit self storage facilities from the BP, Business Park, CC, Commerce Center, and C-1, Heavy Commercial zoning districts

Mr. Eppy read the planning report (staff's recommendation: adoption of the proposed ordinance).

Vice-Chair Stahl felt that Davie was the self-storage capital of the world. Mr. Eppy stated that marketing for self-storage had skyrocketed over the past five years and agreed that the Town had felt the effects. He stated that this amendment reflected that fact.

Mr. Davenport stated that he had mixed feelings, as self-storage did belong in industrial areas; however, it should be accessible to the public, who traveled on major roadways.

Ms. Moore gave a history of the zonings that had been changed along University Drive. She stated that the removal of a zoning usage was not right or fair and expressed concern that the Town did not have a legal right to do so. Mr. Eppy stated that the Town had an established Comprehensive Plan which outlined the various land use categories, in addition to the adopted Land Development Code which outlined permitted uses consistent with each land use category. He stated that the amendment would consider eliminating a particular use within a zoning category which was no longer appropriate for those particular districts. Mr. Eppy stated that the Code did allow for amendments to remove permitted uses should this Board and Council decide to do so. He stated that the amendment was not to deny the commercial zoning, but a particular use in the commercial zoning. Ms. Moore asked if this amendment was legal. Mr. Connick replied affirmatively.

Mr. Davenport made a motion, seconded by Vice-Chair Stahl, to recommend approval of the proposed land development amendment to the Town Council. In a voice vote, with Ms. Moore dissenting and Mr. Davis being absent, all voted in favor. **(Motion carried 3-1)**

6. COMMENTS AND/OR SUGGESTIONS

Chair Greb stated that the Board was frustrated that minutes were not being provided in a timely manner, which meant they were not being provided to Council before an item was considered. He asked what would be done to rectify the situation. Ms. Medina stated that the minutes had not been transcribed on a priority basis because they could not go to Council before this Board approved them. She stated that the transcription service had been out to bid. Mr. Kutney added that due to the processing schedule, even a transcribing service would not help the situation due to the timing of meetings. He stated that this schedule was being changed, but it would take approximately two months. Chair Greb

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asked if a transcription company had been hired. Ms. Medina replied affirmatively.

Vice-Chair Stahl stated that an opinion by Town Attorney Monroe Kiar indicated that the Board's minutes could be given to Council for review before approval by the Board, plus the Councilmembers could attend these Board meetings without participating. Mr. Davenport asked if a Board member could attend the Council meeting to speak as a resident who happened to be a member of this Board. Chair Greb replied that one could speak for oneself, but could not speak for the Board.

Chair Greb stated that until item 3.3, he had been under the impression that if a variance was not approved, the petitioner could not submit another variance without the approval of the Council for a period of one year; however, a different type of variance could be submitted. Mr. Connick stated that unless Council voted to modify it, no other variance, related or not to the one that was approved or rejected, could not be considered for one year.

7. ADJOURNMENT

There being no objections, the meeting adjourned at 10:06 p.m.

Approved: _____

Chair/Board Member